



Montoya, Darlene <dmontoya@nmag.gov>

POLICIES

2 messages

Sonia Valerio <hurleypdclerk@townofhurleynm.us>
To: dmontoya@nmag.gov

Tue, Jan 24, 2017 at 3:28 PM

Good Afternoon,

Please see attached, thank you.

Sonia Valerio

Hurley Police Department

P.O. Box 65

Hurley, NM 88043

[575-537-3220](tel:575-537-3220)

Fax: [575-537-2797](tel:575-537-2797)



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Montoya, Darlene <dmontoya@nmag.gov>
To: Sonia Valerio <hurleypdclerk@townofhurleynm.us>

Tue, Jan 24, 2017 at 3:33 PM

Thank you Ms. Valerio. We will print them out for the Subcommittee. Have a great rest of the day.

[Quoted text hidden]

—

Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
[\(505\) 490-4854](tel:505-490-4854)



Hurley Police Department

101 Cortez Ave. / P.O. Box 65

Hurley, NM 88043

Phone: 575-537-3220 / FAX: 575-537-2797

January 24, 2017

Darlene Montoya
P.O. Drawer 1508
Santa Fe, NM 87504-1508


RE: Policies and Procedures Related to Officer-Involved Shootings and Other Use-of-Force Incidents

Dear Ms. Montoya,

Enclosed are the Hurley Police Department Deadly Force Policy and Officer Involved Policy. The Hurley Police Department is under new administration and under a new chief of police, Chief Michael Zamora.

This policy is being examined and will be updated accordingly. As with all law enforcement agencies, we attend updated training in the use of force and critical incidents when feasible.

Respectfully,


Michael Zamora
Chief of Police

2. HAVE QUALIFIED WITH THAT PARTICULAR WEAPON IN ACCORDANCE WITH DEPARTMENT OF PUBLIC SAFETY TRAINING AND RECRUITING DIVISION RECOMMENDED STANDARDS AND DEPARTMENTAL POLICIES.

6.2 SPECIAL WEAPONS

SPECIAL WEAPONS OR ANY AUTOMATIC FIRING WEAPONS, TEAR GAS EQUIPMENT AND RIFLES. NO SPECIAL WEAPONS SHALL BE CARRIED WITHOUT SPECIFIC AUTHORIZATION FROM THE CHIEF.

6.3 REGISTERING EQUIPMENT WITH DEPARTMENT

MEMBERS ARE REQUIRED TO REGISTER WITH THE POLICE DEPARTMENT THE DESCRIPTION AND SERIAL NUMBERS OF ALL PERSONAL POLICE EQUIPMENT, I.E., SIDEARMS, HANDCUFFS, FIREARMS, AND SPECIAL WEAPONS THEY MAY CARRY.

6.4 FIREARMS: DISPLAY & DISCHARGE

A. MEMBERS SHALL NEVER DISPLAY OR DRAW FIREARMS AT ANY TIME, IN ANY PUBLIC PLACE, EXCEPT FOR DEPARTMENTAL INSPECTION OR OFFICIAL USE.

B. MEMBERS ARE REQUIRED TO REPORT, IN WRITING, ANY DELIBERATE OR ACCIDENTAL DISCHARGE, EXCEPT ROUTINE TARGET PRACTICE UPON APPROVED RANGE, OF A FIREARM, IF IN THE PERFORMANCE OF A POLICE FUNCTION, WHETHER ON OR OFF DUTY.

6.5 DEADLY FORCE POLICY

USE OF DEADLY FORCE AS DEFINED IN THIS POLICY IS THAT FORCE WHICH IS INTENDED TO CAUSE DEATH OR GREAT BODILY HARM OR WHICH CREATES SOME SPECIFIED DEGREE OF RISK THAT A REASONABLE PRUDENT PERSON WOULD CONSIDER LIKELY TO CAUSE DEATH OR GRAVE INJURY.

A. DEADLY FORCE MAY BE USED FOR:

1. DEFENSE OF LIFE- AN OFFICER MAY USE DEADLY FORCE TO PROTECT HIMSELF OR OTHERS FROM WHAT HE REASONABLY BELIEVES TO BE AN IMMEDIATE THREAT OF DEATH OR GREAT BODILY HARM.

2. ESCAPE- AN OFFICER MAY USE DEADLY FORCE TO EFFECT THE CAPTURE OR PREVENT THE ESCAPE AND THE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE SUSPECT POSES A SIGNIFICANT THREAT OF DEATH OR PHYSICAL INJURY TO THE OFFICER OR OTHERS.

3. ANIMALS- THE KILLING OF AN ANIMAL IS JUSTIFIED FOR:

A. SELF DEFENSE.

B. TO PREVENT SUBSTANTIAL HARM TO THE OFFICER OR ANOTHER.

C. WHEN THE ANIMAL IS SO BADLY INJURED THAT HUMANITY REQUIRES ITS RELIEF FROM FURTHER SUFFERING.

4. MOVING VEHICLES- OFFICERS SHALL NOT DISCHARGE A FIREARM AT OR FROM A MOVING VEHICLE EXCEPT AS THE ULTIMATE MEASURE OF SELF-DEFENSE OF HIMSELF OR OTHERS WHEN THE SUSPECT IS IN THE ACT OF USING DEADLY FORCE. OFFICERS SHALL NOT PLACE THEMSELVES IN THE PATH OF A MOVING VEHICLE IN ORDER TO JUSTIFY THE USE OF DEADLY FORCE.

B. REPORTING DISCHARGED FIREARMS

WHEN ANY WEAPON IS DISCHARGED. IN THE PERFORMANCE OF A POLICE FUNCTION, WHETHER DELIBERATE OR ACCIDENTAL, OTHER THAN ON A FIRING RANGE, THE IMMEDIATE SUPERVISOR IS TO BE NOTIFIED AND A WRITTEN REPORT SUBMITTED TO THE CHIEF THROUGH PROPER CHANNELS.

C. BEFORE DEADLY FORCE IS USE, THERE ARE FOUR PRE-REQUISITES:

1. OPPORTUNITY- DOES THE SUSPECT HAVE THE IMMEDIATE OPPORTUNITY TO CAUSE DEATH OR GREAT BODILY HARM TO THE OFFICER OR OTHERS?
2. ABILITY- DOES THE SUSPECT HAVE THE ABILITY OR MEANS TO CAUSE DEATH OR GREATLY BODILY HARM?
3. JEOPARDY- HAS THE SUSPECT PUT THE OFFICER OR ANOTHER IN A LIFE THREATENING OR HARMFUL SITUATION?
4. BYSTANDERS- ARE THERE INNOCENT BYSTANDERS IN DANGER OF BEING INJURED?

D. GUIDELINES FOR OFFICERS INVOLVED IN A SHOOTING

1. RENDER THE AREA SAFE.
2. IF THE ASSAILANT HAS BEEN WOUNDED, HE SHALL BE PROMPTLY DISARMED. CONFISCATE THE WEAPON AS EVIDENCE.
3. IF THE ASSAILANT IS KILLED, THE WEAPON SHALL NOT BE REMOVED UNLESS THERE IS A DANGER OF IT BEING STOLEN OR USED BY SOMEONE ELSE.
4. WHEN THE AREA IS SAFE AND THE DANGER NEUTRALIZED, THE POLICE OFFICER SHALL HOLSTER THE WEAPON OR CARRY IT WITH HIM UNTIL THE APPROPRIATE INVESTIGATOR ARRIVES. DO NOT CHANGE THE CONDITION OR REMOVE ANYTHING FROM THE WEAPON OR RELOAD THE WEAPON.
5. RENDER AID TO THE INJURED AND SUMMON MEDICAL PERSONNEL.
6. THE POLICE OFFICER SHALL NOT LEAVE THE SCENE EVEN TO SUMMON FOR ASSISTANCE. A WALKIE SHALL BE USED TO SUMMON FOR ASSISTANCE. IF THE PATROL OFFICER DOES NOT HAVE A WALKIE HE MAY USE, OR HAVE SOMEONE AT THE SCENE USE, A TELEPHONE. EACH CASE IS UNIQUE, THEREFORE, COMMON SENSE SHALL PREVAIL WHEN SUMMONING FOR ASSISTANCE.
7. AS SOON AS ASSISTANCE IS SUMMONED, THE PATROL OFFICER SHALL NOTE ITEMS SUCH AS INFORMATION CONCERNING THE DEAD OR WOUNDED, LOCATION OF WEAPONS, AND NAMES OF PEOPLE AT THE SCENE.

8. THE PATROL OFFICER SHALL NOTE ANY ITEMS THAT ARE DISTURBED BY MEDICAL PERSONNEL SHOULD THEY ARRIVE AT THE SCENE BEFORE LAW ENFORCEMENT PERSONNEL.
9. THE PATROL OFFICER SHALL NOT MAKE ANY STATEMENTS OR RELEASE ANY INFORMATION TO ANYONE OTHER THAN THE INVESTIGATOR ASSIGNED TO THE CASE, AND ANY SUPERVISOR IN HIS/HER CHAIN OF COMMAND.
10. THE PATROL OFFICER SHALL NOT INVESTIGATE THE CASE.

E. GUIDELINES FOR INVESTIGATORS OR SUPERVISING OFFICERS RESPONDING TO THE SCENE

1. NOTIFY APPROPRIATE SUPERIOR OFFICERS.
2. ASSIGN EXTRA PERSONNEL TO PRESERVE THE CRIME SCENE.
3. SET UP A PERIMETER TO SECURE THE CRIME SCENE.
4. ASSIGN EXTRA PERSONNEL TO IDENTIFY ANY WITNESSES.
5. MAKE SURE ARRIVING OFFICERS DO NOT QUESTION THE DEPUTY INVOLVED IN THE SHOOTING.
6. THE PATROL OFFICER INVOLVED IN THE SHOOTING SHALL BE REMOVED FROM THE SCENE BY A SUPERIOR OFFICER AND TRANSPORTED TO THE PATROL OFFICER DEPARTMENT OR TO A MEDICAL FACILITY TO TREAT MINOR INJURIES.
7. SHOULD THE DEPUTY BE TRANSPORTED TO A LOCAL HOSPITAL BECAUSE OF INJURIES SUSTAINED IN THE SHOOTING, A SUPERVISING OR SUPERIOR OFFICER SHALL ACCOMPANY HIM/HER TO THE HOSPITAL, AND AWAIT FURTHER INSTRUCTIONS FROM THE CHIEF.
8. THE CASE INVESTIGATOR SHALL CONFISCATE THE PATROL OFFICER WEAPON AND THE ASSAILANT'S WEAPON.
9. DEPARTMENTAL OFFICERS SHALL NOT RELEASE ANY INFORMATION TO ANYONE INCLUDING THE NEWS MEDIA. THIS WILL BE HANDLED BY THE CHIEF OR CAPTAIN.

F. REPORTING INCIDENTS INVOLVING USE OF FORCE (INCLUDING THE USE OF THE SIDE HANDLE BATON AND FLASHLIGHT):

1. IN CASES WHERE FORCE WAS USED TO EFFECT AN ARREST, THE OFFICER WILL NOTIFY HIS/HER SUPERVISOR AS SOON AS POSSIBLE, AND SUBMIT A WRITTEN REPORT TO THE CHIEF THROUGH PROPER CHANNELS.
2. OFFICERS SHALL BE REQUIRED TO COOPERATE WITH ANY INVESTIGATION IN WHICH THE USE OF FORCE IS USED.

6.6 USE OF SIDE-HANDLE BATON AND FLASHLIGHT POLICY

- A. THE BATON AND FLASHLIGHT ARE TOOLS DESIGNED WITH THE PHILOSOPHY OF SELF PROTECTION AND SUBDUING THE SUSPECT, WITH MINIMUM DANGER TO BOTH THE OFFICER AND THE INDIVIDUAL.

1. THE BATON AND/OR FLASHLIGHT MAY BE USED BY AN OFFICER FOR:
 - A. PROTECTION OF THE OFFICER'S LIFE OR THE LIFE OF ANOTHER.
 - B. EFFECTING FULL CUSTODY ARREST.
 - C. PROTECTION OF PROPERTY.

2. ALL OFFICERS MUST BE PROPERLY TRAINED IN THE USE OF BOTH THE BATON AND FLASHLIGHT BEFORE BEING ALLOWED TO CARRY EITHER ON DUTY.

3. WHEN THE BATON OR FLASHLIGHT ARE USED, AND INJURIES ARE INCURRED, THE OFFICER WILL NOTIFY HIS/HER CHIEF AS SOON POSSIBLE AND SUBMIT WRITTEN REPORT TO THE CHIEF THROUGH PROPER CHANNEL.

5.6 USE OF DEPARTMENT VEHICLES

MEMBERS SHALL NOT USE ANY DEPARTMENTAL VEHICLE FOR PERSONAL REASONS.

- A. CITIZENS SHALL NOT BE TRANSPORTED IN A DEPARTMENTAL VEHICLE UNLESS IN AN EMERGENCY SITUATION, OR NECESSARY TO ACCOMPLISH A DEPARTMENTAL PURPOSE. SUCH TRANSPORTATION WILL BE DONE IN CONFORMANCE WITH DEPARTMENTAL POLICY OR AT THE DIRECTION OF A SUPERVISING OR SUPERIOR OFFICER.